

kW; This gain limitation is determined by the ratio of the input RF driving signal to the RF output power of the amplifier where both signals are expressed in peak envelope power or mean power);

(iii) Not exhibit more gain than permitted by paragraph (c)(6)(ii) of this section when driven by an RF input signal of less than 50 W mean power; and

(iv) Be capable of sustained operation at its designed power level;

(7) Any attenuation in the input of the amplifier which, when removed or modified, would permit the amplifier to function at its designed transmitter power when driven by an RF frequency input signal of less than 50 W mean power; or

(8) Any other features designed to facilitate operation in a telecommunication service other than the Amateur Radio Services, such as the Citizens Band (CB) Radio Service.

[54 FR 25857, June 20, 1989, as amended at 63 FR 36611, July 7, 1998]

EFFECTIVE DATE NOTE: At 63 FR 36611, July 7, 1998, § 97.317, the section heading was revised; paragraphs (a), (b) and (c) were amended by removing the term "type acceptance" each place it appears and adding in its place "certification", effective Oct. 5, 1998.

## Subpart E—Providing Emergency Communications

### § 97.401 Operation during a disaster.

(a) When normal communication systems are overloaded, damaged or disrupted because a disaster has occurred, or is likely to occur, in an area where the amateur service is regulated by the FCC, an amateur station may make transmissions necessary to meet essential communication needs and facilitate relief actions.

(b) When normal communication systems are overloaded, damaged or disrupted because a natural disaster has occurred, or is likely to occur, in an area where the amateur service is not regulated by the FCC, a station assisting in meeting essential communication needs and facilitating relief actions may do so only in accord with ITU Resolution No. 640 (Geneva, 1979). The 80 m, 75 m, 40 m, 30 m, 20 m, 17 m,

15 m, 12 m, and 2 m bands may be used for these purposes.

(c) When a disaster disrupts normal communication systems in a particular area, the FCC may declare a temporary state of communication emergency. The declaration will set forth any special conditions and special rules to be observed by stations during the communication emergency. A request for a declaration of a temporary state of emergency should be directed to the EIC in the area concerned.

(d) A station in, or within 92.6 km of, Alaska may transmit emissions J3E and R3E on the channel at 5.1675 Mhz for emergency communications. The channel must be shared with stations licensed in the Alaska-private fixed service. The transmitter power must not exceed 150 W.

### § 97.403 Safety of life and protection of property.

No provision of these rules prevents the use by an amateur station of any means of radiocommunication at its disposal to provide essential communication needs in connection with the immediate safety of human life and immediate protection of property when normal communication systems are not available.

### § 97.405 Station in distress.

(a) No provision of these rules prevents the use by an amateur station in distress of any means at its disposal to attract attention, make known its condition and location, and obtain assistance.

(b) No provision of these rules prevents the use by a station, in the exceptional circumstances described in paragraph (a) of this section, of any means of radiocommunications at its disposal to assist a station in distress.

### § 97.407 Radio amateur civil emergency service.

(a) No station may transmit in RACES unless it is an FCC-licensed primary, club, or military recreation station and it is certified by a civil defense organization as registered with that organization, or it is an FCC-licensed RACES station. No person may be the control operator of a RACES station, or may be the control operator

of an amateur station transmitting in RACES unless that person holds a FCC-issued amateur operator license and is certified by a civil defense organization as enrolled in that organization.

(b) The frequency bands and segments and emissions authorized to the control operator are available to stations transmitting communications in RACES on a shared basis with the amateur service. In the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of Section 706 of the Communications Act of 1934, as amended, 47 U.S.C. 606, RACES stations and amateur stations participating in RACES may only transmit on the following frequencies:

(1) The 1800–1825 kHz, 1975–2000 kHz, 3.50–3.55 MHz, 3.93–3.98 MHz, 3.984–4.000 MHz, 7.079–7.125 MHz, 7.245–7.255 MHz, 10.10–10.15 MHz, 14.047–14.053 MHz, 14.22–14.23 MHz, 14.331–14.350 MHz, 21.047–21.053 MHz, 21.228–21.267 MHz, 28.55–28.75 MHz, 29.237–29.273 MHz, 29.45–29.65 MHz, 50.35–50.75 MHz, 52–54 MHz, 144.50–145.71 MHz, 146–148 MHz, 2390–2450 MHz segments;

(2) The 1.25 m, 70 cm and 23 cm bands; and

(3) The channels at 3.997 MHz and 53.30 MHz may be used in emergency areas when required to make initial contact with a military unit and for communications with military stations on matters requiring coordination.

(c) A RACES station may only communicate with:

(1) Another RACES station;

(2) An amateur station registered with a civil defense organization;

(3) A United States Government station authorized by the responsible agency to communicate with RACES stations;

(4) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(d) An amateur station registered with a civil defense organization may only communicate with:

(1) A RACES station licensed to the civil defense organization with which the amateur station is registered;

(2) The following stations upon authorization of the responsible civil defense official for the organization with

which the amateur station is registered:

(i) A RACES station licensed to another civil defense organization;

(ii) An amateur station registered with the same or another civil defense organization;

(iii) A United States Government station authorized by the responsible agency to communicate with RACES stations; and

(iv) A station in a service regulated by the FCC whenever such communication is authorized by the FCC.

(e) All communications transmitted in RACES must be specifically authorized by the civil defense organization for the area served. Only civil defense communications of the following types may be transmitted:

(1) Messages concerning impending or actual conditions jeopardizing the public safety, or affecting the national defense or security during periods of local, regional, or national civil emergencies;

(2) Messages directly concerning the immediate safety of life of individuals, the immediate protection of property, maintenance of law and order, alleviation of human suffering and need, and the combating of armed attack or sabotage;

(3) Messages directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or other authorized governmental or relief agencies; and

(4) Communications for RACES training drills and tests necessary to ensure the establishment and maintenance of orderly and efficient operation of the RACES as ordered by the responsible civil defense organization served. Such drills and tests may not exceed a total time of 1 hour per week. With the approval of the chief officer for emergency planning in the applicable State, Commonwealth, District or territory, however, such tests and drills may be conducted for a period not to exceed 72 hours no more than twice in any calendar year.